

## Public Interest Declassification Board

### CHAIR

L. Britt Snider

### MEMBERS

Martin C. Faga  
Steven Garfinkel  
Joan Vail Grimson  
Elizabeth Rindskopf Parker  
Richard Norton Smith  
David E. Skaggs  
Appointment Pending  
Appointment Pending

c/o Information Security Oversight Office  
700 Pennsylvania Avenue, NW, Room 500  
Washington, DC 20408-0001  
Telephone: (202) 357-5250  
Fax: (202) 357-5907

### EXECUTIVE SECRETARY

J. William Leonard

June 8, 2006

General Michael V. Hayden, USAF  
Director, Central Intelligence Agency  
Room 6E2914, OHB  
Washington, D.C. 20505

Dear General Hayden:

As this is the first contact this board has had with you since it was constituted in February, let me provide a brief introduction. We are an advisory board created by Congress (PL 106-567) to represent the public's interest in matters of security classification and declassification. Five of our nine members are appointed by the President; the remaining four, by the party leaders in each house of Congress. Biographical data on each of the Board members is provided at enclosure 1.

We are charged to review agency classification and declassification policy and programs and offer recommendations to promote the greatest possible access to government documents, consistent with protecting the nation's security. The Public Interest Declassification Board Fact Sheet is provided at enclosure 2.

On February 21, 2006, the *New York Times* published a story about a long-running effort by several departments and agencies that removed thousands of previously declassified documents, many of which had been available to the public for years, from the open shelves of the National Archives in College Park, Maryland. The board received briefings on this program at its first two meetings, and at our third meeting on May 9, 2006, considered the recent audit conducted by the Information Security Oversight Office of the National Archives and Records Administration (ISOO), available at [www.archives.gov](http://www.archives.gov).

Since 1995, there have been ten unrelated efforts to identify previously declassified documents that in the agencies' views should not have been declassified for either substantive or procedural reasons. As a result, approximately 25,000 documents, the overwhelming majority of which were at least 25 years old, were withdrawn from public access. Reviewing a sample of these documents, the ISOO concluded that 24% clearly failed to meet the standard for classification, and 12% appeared questionable in this regard. Indeed, many of the documents withdrawn had already been published elsewhere by the government, and, in the case of your agency, documents that did not qualify for classification were deliberately withdrawn to obfuscate the withdrawal of documents that were considered classified. Existing regulations do not allow for this.

We write to you as head of an agency that removed previously declassified documents from the Archives to express our concern as well as to ask your support for the action the board believes should be taken.

Withdrawing previously declassified documents from public access not only undermines the public's confidence in the classification and declassification process generally, but also creates genuine problems for the historians and researchers who have relied on the government's earlier declassification, or who wish to check the research of others that is based on these documents. Many of these historians or researchers are probably unaware the documents they relied upon have been withdrawn. Those who do know are left to wonder whether the removed documents are now considered classified, and, if so, what their responsibilities are. Do they risk prosecution if they share them with their colleagues? The government has not said.

The board finds the rationale for withdrawing these documents suspect. Although presumably the documents were withdrawn to mitigate damage to the national security, by removing them, the government has highlighted that they remain of security concern. Virtually all of these records are at least 25 years old. Even if they contain sensitive information, the public would have had no way of knowing this. Thus removal may actually have caused, not prevented, damage to the national security.

The board recommends that the departments and agencies involved consider whether simply returning all of the documents to public access would better protect their respective security interests. If not, the board recommends that any document withdrawn from public access that does not qualify for continued classification be returned as soon as possible to the Archives.

The board also believes this episode should be the occasion for long-term improvements. The ISOO, with the cooperation of the departments and agencies involved, has already instituted a "protocol" to govern future withdrawals. It is also developing a pilot "National Declassification Initiative" to more effectively integrate the efforts of departments and agencies in the declassification area. The board applauds these initiatives and requests your full cooperation with them, but more needs to be done.

First, senior officials need to recognize the importance of declassification efforts and convey that recognition to their employees, especially those involved in declassification. Preserving our history as a nation is at stake—ensuring that the record of the government's decisions in the national security area is as accurate and complete as possible. This is important not only to the public in our democracy, but also to the departments and agencies involved. How else will we all be able to understand, and learn from the experience of the past? Yet, regrettably, the emphasis today seems to be on finding reasons for withholding as much as we can rather than finding reasons for releasing as much as we can.

Second, the declassification efforts need far better integration and coordination. At present, departments and agencies are essentially on their own and have set different priorities and standards for declassification review. There is also no uniform or effective process for identifying and resolving the equities that one agency may have in documents classified by another agency. (This was what prompted the spate of "re-reviews" of previously declassified documents over the last ten years.) As a result, the declassification process is inconsistent and inefficient. In the end, everyone, including the departments and agencies involved, would benefit from embracing, not resisting, a coordinated and coherent government-wide approach.

Although the board has been in existence but a short time, it is clear to us that fundamental changes are needed in the way the declassification efforts are structured and carried out. It will be impossible to achieve existing declassification goals unless the government changes how it does business, likely involving changes in policy and procedure as well as augmenting the resources (e.g. personnel, technology) applied to declassification. As the board works to identify solutions to recommend to the President, we will be seeking the advice of you and your staff.

In the meantime, we will monitor the actions taken by your agency with respect to the documents that were withdrawn from the Archives. Right now, the most important thing that can be done to restore the public's confidence is to demonstrate that the government takes its concerns seriously and is addressing them.

Sincerely,



L. BRITT SNIDER  
Chair



cc:

Honorable Stephen J. Hadley, Assistant to the President for National Security Affairs

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### EXECUTIVE SECRETARY

J. William Leonard

May 25, 2006

The Honorable Porter J. Goss  
Director of Central Intelligence  
Room 6E2914, OHB  
Washington, D.C. 20505

Dear Mr. Goss:

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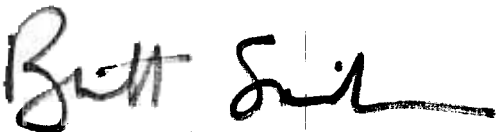
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Sincerely,

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L. BRITT SNIDER  
Chair

cc:

Honorable Stephen J. Hadley, Assistant to the President for National Security Affairs

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### EXECUTIVE SECRETARY

J. William Leonard

May 25, 2006

The Honorable Michael Chertoff  
Secretary of Homeland Security  
Washington, D.C. 20528

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### EXECUTIVE SECRETARY

J. William Leonard

May 25, 2006

The Honorable Samuel W. Boden  
Secretary of Energy  
Room 7A-257  
Forrestal Building  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-1000

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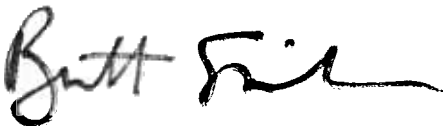
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L. BRITT SNIDER  
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Honorable Stephen J. Hadley, Assistant to the President for National Security Affairs

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### EXECUTIVE SECRETARY

J. William Leonard

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The Honorable Michael W. Wynne  
Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, D.C. 20330-1670

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Honorable Stephen A. Cambone, Under Secretary of Defense for Intelligence